

**FILED**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

JUL 14 2008 NF  
Jul 14 2008  
MICHAEL W. DERRING  
CLERK, U.S. DISTRICT COURT

WILLIAM MOORE AND YVONNE MOORE )

Plaintiffs, )

v. )

WASHINGTON MUTUAL BANK, FA, )

Defendant. )

08 C 596

HONORABLE RUBEN CASTILLO

**MOTION FOR AN ENLARGMENT OF TIME AND TO JOIN AN ADDITIONAL PARTY  
DEFENANT**

Now come the Plaintiffs, William Moore and Yvonne Moore, pursuant to Federal Rule 6 (b)(1) for and Enlargement of Time of thirty (30) days from the filing of this motion, to File a Response to Defendants Motion to Dismiss, and Plaintiff's Motion to Join an Additional Party Defendant, pursuant to Federal Rule 20. In support of this Motion, Plaintiffs state as follows:

1. On June 12, 2008, Plaintiffs were given until July 14, 2008 to respond to Defendant's Motion to Dismiss.
2. Plaintiffs have sought the assistance legal counsel in this matter, and have tendered various documents to counsel for review. However, Plaintiffs have experienced difficulty with contacting and/or receiving a response from said legal counsel.
3. Due to the delay, Plaintiffs will need additional time to respond to Defendant's Motion to Dismiss and/or file an amended complaint in this matter.
4. Plaintiff's request for an extension of time is not made for the purposes of harassment, or disregard for the Court's authority to administer and control its own docket.
5. At the time of filing their responsive pleading, Plaintiffs expect that they will need to add an additional defendant in this matter, because Defendant, Washington Mutual, has indicated that it is not a debt collector as defined by the Fair Debt Collection Practices

Act. For this reason, Plaintiffs seek to join its Fisher and Shapiro, LLC as a Party defendant because of the actions taken by Fisher and Shapiro, LLC against Plaintiffs, as agent for Defendant. See Tolentino v. Friedman, 46 F.3d 645 (7<sup>th</sup> Cir. 1995), where the Court held that a lawyer engaged in consumer debt collection was a "debt collector" and not exempt from the requirements of the Act.

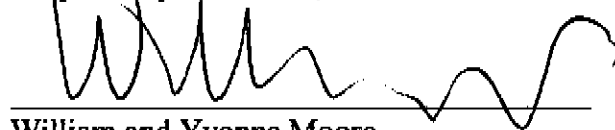
6. Rule 20 of the Federal Rules of Civil Procedure states in part that "all persons . . . may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action."

7. The granting of Plaintiffs' motion will be for good cause shown and judicial economy, and will not cause any prejudice to Defendant.

WHEREFORE, the Plaintiffs respectfully request that this honorable Court:

- A. Enter an order granting them and Extension of Time in which to File a Responsive Pleading to Defendant's Motion to Dismiss;
- B. Enter an order granting Plaintiffs Leave to Add Fisher and Shapiro as a Party Defendant;
- C. Such other relief that is just and equitable.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'William and Yvonne Moore', written over a horizontal line.

William and Yvonne Moore

**WILLIAM & YVONNE MOORE**  
Plaintiffs  
6219 W. Old Plank Blvd.  
Matteson, IL 60443  
708-268-3495